

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DAVID PALM,

Plaintiff,

v.

TAURUS INTERNATIONAL
MANUFACTURING, INC. and TAURUS
HOLDINGS, INC.,

Defendants.

CAUSE NO. 3:22-CV-337 DRL-MGG

ORDER

David Palm filed this action against Taurus International Manufacturing, Inc. and Taurus Holdings, Inc., alleging negligence, breach of express and implied warranties, strict liability, and intentional and negligent misrepresentation. Taurus International and Taurus Holding moved to dismiss for failure to state a claim. In response, Mr. Palm filed an amended complaint as a matter of right pursuant to Fed. R. Civ. P. 15. “When an amended complaint is filed, the prior pleading is withdrawn and the amended pleading is controlling.” *Johnson v. Dossey*, 515 F.3d 778, 780 (7th Cir. 2008). Both parties agree that the pending motion to dismiss is moot. Because defendants filed their motion to dismiss based on the original complaint, the court DENIES AS MOOT the motion to dismiss [ECF 42].

SO ORDERED.

July 27, 2022

s/ Damon R. Leichty

Judge, United States District Court